

111TH CONGRESS
1ST SESSION

S. 1454

To provide for adequate oversight and inspection by the Federal Aviation Administration of individuals who perform maintenance work on United States commercial aircraft and of foreign repair stations that perform such work, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2009

Mrs. McCASKILL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for adequate oversight and inspection by the Federal Aviation Administration of individuals who perform maintenance work on United States commercial aircraft and of foreign repair stations that perform such work, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Aviation Facilities
5 Ensure Aircraft Integrity and Reliability Act of 2009” or
6 the “SAFE AIR Act of 2009”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Federal
5 Aviation Administration.

6 (2) AIR CARRIER.—The term “air carrier” has
7 the meaning given that term in section 40102(a) of
8 title 49, United States Code.

9 (3) AIR TRANSPORTATION.—The term “air
10 transportation” has the meaning given that term in
11 such section 40102(a).

12 (4) AIRCRAFT.—The term “aircraft” has the
13 meaning given that term in such section 40102(a).

14 (5) COVERED MAINTENANCE WORK.—The term
15 “covered maintenance work” means maintenance
16 work that is substantial, scheduled, or a required in-
17 spection item, as determined by the Administrator.

18 (6) PART 121 AIR CARRIER.—The term “part
19 121 air carrier” means an air carrier that holds a
20 certificate under part 121 of title 14, Code of Fed-
21 eral Regulations (or any successor regulation).

22 (7) PART 145 REPAIR STATION.—The term
23 “part 145 repair station” means a repair station
24 that holds a certificate under part 145 of title 14,
25 Code of Federal Regulations (or any successor regu-
26 lation).

1 (8) UNITED STATES COMMERCIAL AIRCRAFT.—
 2 The term “United States commercial aircraft”
 3 means an aircraft registered in the United States
 4 and owned or leased by an air carrier to be used for
 5 air commerce (as defined in section 40102(a) of title
 6 49, United States Code).

7 **SEC. 3. ENHANCED OVERSIGHT AND INSPECTION OF RE-**
 8 **PAIR STATIONS AND MAINTENANCE WORK.**

9 (a) OVERSIGHT AND INSPECTION OF REPAIR STA-
 10 TIONS AND MAINTENANCE WORK.—

11 (1) IN GENERAL.—Chapter 447 of title 49,
 12 United States Code, is amended by adding at the
 13 end the following:

14 **“SEC. 44730. OVERSIGHT AND INSPECTION OF REPAIR STA-**
 15 **TIONS AND MAINTENANCE WORK.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVERED MAINTENANCE WORK.—The
 18 term ‘covered maintenance work’ means mainte-
 19 nance work that is substantial, scheduled, or a re-
 20 quired inspection item, as determined by the Admin-
 21 istrator.

22 “(2) FOREIGN REPAIR STATION.—The term
 23 ‘foreign repair station’ has the meaning of that term
 24 used in section 44924.

1 “(3) PART 121 AIR CARRIER.—The term ‘part
2 121 air carrier’ means an air carrier that holds a
3 certificate under part 121 of title 14, Code of Fed-
4 eral Regulations (or any successor regulation).

5 “(4) PART 145 REPAIR STATION.—The term
6 ‘part 145 repair station’ means a repair station that
7 holds a certificate under part 145 of title 14, Code
8 of Federal Regulations (or any successor regulation).

9 “(5) UNITED STATES COMMERCIAL AIR-
10 CRAFT.—The term ‘United States commercial air-
11 craft’ means an aircraft registered in the United
12 States and owned or leased by an air carrier to be
13 used for air commerce.

14 “(b) PERFORMANCE OF MAINTENANCE WORK BY
15 CERTAIN INDIVIDUALS.—

16 “(1) IN GENERAL.—Not later than 3 years
17 after the date of the enactment of this section, the
18 Administrator of the Federal Aviation Administra-
19 tion shall issue regulations requiring that all covered
20 maintenance work on aircraft used by part 121 air
21 carriers to provide air transportation be performed
22 by individuals described in paragraph (2).

23 “(2) INDIVIDUALS DESCRIBED.—An individual
24 described in this paragraph is—

1 “(A) an individual employed by the part
2 121 air carrier for which covered maintenance
3 work is performed;

4 “(B) an individual employed by another
5 part 121 air carrier;

6 “(C) an individual employed by a part 145
7 repair station; or

8 “(D) an individual employed by a person
9 that provides contract maintenance workers to
10 a part 145 repair station or a part 121 air car-
11 rier, if the individual—

12 “(i) meets the requirements for indi-
13 viduals employed by the repair station or
14 air carrier, as the case may be;

15 “(ii) works under the direct super-
16 vision and control of the repair station or
17 air carrier, as the case may be; and

18 “(iii) carries out the covered mainte-
19 nance work in accordance with the mainte-
20 nance manual of the part 121 air carrier
21 for which the work is performed and, if ap-
22 plicable, the maintenance and quality con-
23 trol manuals of the part 145 repair sta-
24 tion.

1 “(c) CERTIFICATION OF INSPECTION OF FOREIGN
 2 REPAIR STATIONS.—Not later than 2 years after the date
 3 of the enactment of this section, and annually thereafter,
 4 the Administrator shall certify to Congress that—

5 “(1) each certified foreign repair station that
 6 performs covered maintenance work on an aircraft
 7 or a component of an aircraft for a part 121 air car-
 8 rier has been inspected not fewer than 2 times in the
 9 preceding calendar year by an aviation safety inspec-
 10 tor of the Federal Aviation Administration; and

11 “(2) not fewer than 1 of the inspections re-
 12 quired by paragraph (1) for each certified foreign re-
 13 pair station was carried out at the repair station
 14 without any advance notice to the foreign repair sta-
 15 tion.

16 “(d) DRUG AND ALCOHOL TESTING OF FOREIGN RE-
 17 PAIR STATION PERSONNEL.—Not later than 1 year after
 18 the date of the enactment of this section, the Adminis-
 19 trator shall modify the certification requirements under
 20 part 145 of title 14, Code of Federal Regulations, to in-
 21 clude testing for the use of alcohol or a controlled sub-
 22 stance in accordance with section 45102 of this title of
 23 any individual employed by a foreign repair station and
 24 performing a safety-sensitive function on a United States
 25 commercial aircraft for a foreign repair station.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tion for chapter 447 of title 49, United States Code,
 3 is amended by adding at the end the following:

“44730. Oversight and inspection of repair stations and maintenance work.”.

4 (b) TEMPORARY PLAN FOR IDENTIFICATION AND
 5 OVERSIGHT OF CERTAIN REPAIR FACILITIES.—

6 (1) IN GENERAL.—The Administrator shall de-
 7 velop a plan—

8 (A) to require each part 121 air carrier to
 9 identify and submit to the Administrator a
 10 complete list of all maintenance providers (other
 11 than part 145 repair stations or part 121 air
 12 carriers) that perform covered maintenance
 13 work on United States commercial aircraft used
 14 by the part 121 air carrier to provide air trans-
 15 portation;

16 (B) to verify each list submitted by a part
 17 121 air carrier under subparagraph (A) by
 18 against the records of the air carrier, such as
 19 maintenance activity reports and general vendor
 20 listings; and

21 (C) to carry out surveillance and oversight
 22 by field inspectors of the Federal Aviation Ad-
 23 ministration of all maintenance providers identi-
 24 fied in a list submitted under subparagraph
 25 (A).

1 (2) REPORT ON PLAN.—Not later than 180
 2 days after the date of the enactment of this Act, the
 3 Administrator shall submit to Congress a report that
 4 contains the plan required by paragraph (1).

5 (3) IMPLEMENTATION OF PLAN.—Beginning
 6 not later than the date that is 1 year after the date
 7 of the enactment of this Act and ending on the date
 8 on which regulations issued under section 44730(b)
 9 of title 49, United States Code, as added by sub-
 10 section (a), are implemented, the Administrator shall
 11 carry out the plan required by paragraph (1).

12 (4) ANNUAL REPORT ON IMPLEMENTATION.—
 13 Not later than 180 days after the commencement of
 14 the plan under paragraph (3) and annually there-
 15 after until the regulations described in that para-
 16 graph are implemented, the Administrator shall sub-
 17 mit to Congress a report on the implementation of
 18 the plan required by paragraph (1).

19 **SEC. 4. REGULATION OF FOREIGN REPAIR STATIONS FOR**
 20 **SECURITY.**

21 (a) IN GENERAL.—Section 44924 of title 49, United
 22 States Code, is amended by adding at the end the fol-
 23 lowing:

24 “(h) COMPLIANCE OF FOREIGN REPAIR STATIONS
 25 WITH SECURITY REGULATIONS.—

1 “(1) PROHIBITION ON CERTIFICATION OF FOR-
 2 EIGN REPAIR STATIONS THAT DO NOT COMPLY WITH
 3 SECURITY REGULATIONS.—The Administrator may
 4 not certify or recertify a foreign repair station under
 5 part 145 of title 14, Code of Federal Regulations,
 6 unless the foreign repair station is in compliance
 7 with all applicable final security regulations pre-
 8 scribed under subsection (f).

9 “(2) NOTIFICATION TO AIR CARRIERS OF NON-
 10 COMPLIANCE BY FOREIGN REPAIR STATIONS.—If the
 11 Under Secretary is aware that a foreign repair sta-
 12 tion is not in compliance with a security regulation
 13 or that a security issue or vulnerability has been
 14 identified with respect to the foreign repair station
 15 in a security review or audit required under sub-
 16 section (a) or any regulation prescribed under sub-
 17 section (f), the Under Secretary shall provide notice
 18 to each air carrier that holds a certificate under part
 19 121 of title 14, Code of Federal Regulations, of such
 20 noncompliance or security issue or vulnerability.”.

21 (b) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

22 (1) IN GENERAL.—Not later than 1 year after
 23 the date of the enactment of this Act, the Adminis-
 24 trator shall revise the methodology for computation
 25 of fees for certification services performed outside

1 the United States under part 187 of title 14, Code
2 of Federal Regulations, to cover fully the costs to
3 the Federal Aviation Administration of providing
4 such certification services, including—

5 (A) the costs of all related inspection serv-
6 ices;

7 (B) all travel expenses, salaries, and em-
8 ployment benefits of inspectors who provide
9 such services; and

10 (C) any increased costs to the Administra-
11 tion resulting from requirements of this Act.

12 (2) UPDATES.—The Administrator shall peri-
13 odically revise the methodology described in para-
14 graph (1) to account for subsequent changes in the
15 costs to the Administration of providing certification
16 services.

17 **SEC. 5. ANNUAL REPORT BY INSPECTOR GENERAL.**

18 Not later than 1 year after the date of the enactment
19 of this Act, and annually thereafter, the Inspector General
20 of the Department of Transportation shall submit to Con-
21 gress a report on the implementation of—

22 (1) section 44730 of title 49, United States
23 Code, as added by section 3(a) of this Act;

24 (2) the plan required under section 3(b) of this
25 Act;

1 (3) subsection (h) of section 44924 of title 49,
2 United States Code, as added by section 4(a) of this
3 Act;

4 (4) the revised methodology required under sec-
5 tion 4(b) of this Act; and

6 (5) any regulations issued or revised pursuant
7 to this Act.

○